IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13822 of 1996

Dated: February 14, 2007

Between:

Kothuri Lingaiah, S/o. Bagaiah, R/o. Kanukula Gidda, Huzurabad Mandal, Karimnagar District, And another.

... Petitioners

And

Mandal Revenue Officer, Huzurabad Mandal, Karimnagar District, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in trying to dispossess the petitioner from their land in an extent of about Ac.5.00 guntas in Survey No.179 of Kanukula Gidda village, as arbitrary and illegal.

2. In the affidavit filed in support of the Writ Petition, it is stated that the aforesaid land, which is known as 'Bancharai Rakba', has been in occupation of the petitioners. It is their case that they have been issued ' Ek Sal Lease' by the then Mandal Revenue Officer, Huzarabad, by proceedings dated 02-01-1991, covering Ac.2.24 guntas each. Precisely, their grievance is that though they are landless poor persons, respondents, without considering their claims for grant of pattas, are taking steps to dispossess them from the land in question without following due process of law.

3. Respondents 1 to 3 have filed counter affidavit stating that though petitioners were granted 'Ek Sal Lease' only for a period of one year, as the lease itself suggests, they continued in illegal possession of the land in question without any permission. It is stated that the Mandal Revenue Officer issued instructions to the Mandal Revenue Inspector and Village Administrative Officer not to allow to occupy and cultivate in the Government land in the land in question, for assigning the same in favour of other eligible persons.

4. In the counter affidavit, it is further stated that though assignments were considered to be made to eligible persons, as much as the petitioner was working in Singareni Collieries Co. Ltd., he was found ineligible for assignment. Learned counsel for petitioners submits that the first petitioner is not an employee of Singareni Collieries Co. Ltd,. as stated in the counter affidavit. However, the same is a matter for enquiry under the rules framed

for assignment of lands to landless poor persons.

5. As much as possession of the petitioners over the land in question and granting 'Ek Sal Lease' at first instance is not in dispute,

I dispose of the Writ Petition permitting the petitioners to file an application to the respondents seeking grant of pattas in their favour, within a period of four weeks from today. If any such application is filed, respondents shall consider granting pattas in favour of the petitioners, provided they fall within the meaning of landless poor persons as per the rules framed under the A.P. (Telangana Area) Land Revenue Act, 1317 Fasli, and pass appropriate orders in accordance with law. Till such orders are passed and communicated to the petitioners, they shall not be dispossessed from the land in question. No costs.

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JUSTICE R. SUBHASH REDDY.

February 14, 2007
MRR